
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.: 8:23-cv-02445-FWS-KES

Date: January 23, 2024

Title: Ameris Bank v. Charles Kirkland Companies LLC *et al.*

Present: **HONORABLE FRED W. SLAUGHTER, UNITED STATES DISTRICT JUDGE**

Melissa H. Kunig
Deputy Clerk

N/A
Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

**PROCEEDINGS: (IN CHAMBERS): ORDER TO SHOW CAUSE RE DISMISSAL FOR
LACK OF SUBJECT MATTER JURISDICTION**

Jurisdiction in this action is alleged on the basis of diversity jurisdiction pursuant to 28 U.S.C. § 1332. However, it appears the court may lack subject matter jurisdiction because the Complaint may not adequately allege the citizenship of all artificial entities. (*See* Dkt. 1.)

Diversity jurisdiction requires complete diversity between the parties and that the amount in controversy exceeds \$75,000. *See Strawbridge v. Curtiss*, 7 U.S. (3 Cranch) 267, 267 (1806); 28 U.S.C. § 1332(a). In the case of a partnership, limited liability company, or other unincorporated association, the court must consider the citizenship of each of the partners, including limited partners, or members. The citizenship of each of the entity's partners or members must therefore be alleged. *Carden v. Arkoma Assocs.*, 494 U.S. 185, 195-96 (1990); *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006). Where a party is joined as a corporation, the complaint must allege both its respective state(s) of incorporation and principal place of business. 28 U.S.C. § 1332(c); *Harris v. Rand*, 682 F.3d 846, 850 (9th Cir. 2012).

The Complaint in this case alleges Defendant Charles Kirkland Companies, LLC, is an Arizona limited liability company. (Dkt. 1 ¶ 2.) The citizenships of its members, however, are not clearly alleged. Accordingly, it appears complete diversity of the parties is inadequately alleged. *See Johnson*, 437 F.3d at 899.

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Accordingly, the court **ORDERS** Defendants to show cause in writing no later than **February 23, 2024**, why this action should not be dismissed without prejudice for lack of subject matter jurisdiction. Failure to respond by the above date will result in the court dismissing this action without prejudice. *See* Fed. R. Civ. P. 12(h)(3) (“If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.”).